

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERETT BURNETT,

Plaintiff,

v.

Case Number 08-11764
Honorable David M. Lawson
Magistrate Judge Mark A. Randon

MICHIGAN DEPARTMENT OF CORRECTIONS,
PATRICIA CARUSO, Director of MDOC,
SUSAN DAVIS, Warden, ROY RYDER,
Deputy Warden, JOSHUA ZUSSMAN, Officer,
DONACIANO MARTINEZ, Officer, LYNN
SIDUN, Officer, and STEVEN TROSZAK, Officer,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION**

Presently before the Court is the report issued on October 27, 2010 by Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. § 636(b), recommending that this Court deny the plaintiff's motion for preliminary injunction. Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 74] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for preliminary injunction [dkt. # 58] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 17, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 17, 2010.

s/Deborah R. Tofil
DEBORAH R. TOFIL